

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 3
FOR THE REGULAR MEETING OF
MONDAY, DECEMBER 5, 2005 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

SPECIAL ORDERS OF BUSINESS

ITEM-S408: Mark Salo Day.

DEPUTY MAYOR ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2006-548)

Recognizing the outstanding contributions of Mark Salo in the fields of women’s health and reproductive freedom and salute him upon his retirement from a long and distinguished career with Planned Parenthood of San Diego and Riverside Counties;

Proclaiming December 5, 2005, to be “Mark Salo Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-S409: Four actions related to Amending Council Policies 100-07 and 100-08 and Establishing Two New Matching Funds Entitled Library Matching Programs Fund, and Montgomery Technology Fund.

(See City Manager Report CMR-05-238.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-400)

Amending Council Policy No. 100-07, entitled "Library Matching Materials Fund," by amending Section 6(b) pertaining to allocation within the Library;

Subitem-B: (R-2006-401)

Amending Council Policy No. 100-08, entitled "Library Matching Equipment Fund," by amending Section 6 pertaining to allocation within the Library.

Subitem-C: (R-2006-402)

Authorizing the establishment of a new matching fund entitled the "Library Matching Programs Fund" to match donations contributed for the purpose of funding cultural programs and children's programs plus related expenses including but not limited to program advertising costs and the purchase of related materials and supplies needed to conduct the programs, is hereby authorized, as set forth in the City Manager's Report No. 05-238;

Authorizing the expenditure of an amount not to exceed \$1,000,302, from Fund No.100, Dept. No. 310, Org. No. 7002, Acct. No. 48815, for the purpose of providing funds to match donations for the above described programs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S409: (Continued)

Subitem-D: (R-2006-403)

Authorizing the establishment of a new matching fund entitled the "Montgomery Technology Fund" to match donations contributed for the purpose of supporting the purchase, installation, maintenance, and usage of information technology equipment and software, and associated expenses, including related professional and contractual services, at the Valencia Park/Malcolm X Library, as set forth in the City Manager's Report No. 05-238;

Authorizing the City Auditor and Comptroller to transfer the fund balance for the Montgomery Technology Fund Account from the Library Matching Equipment Fund, Revenue Account No. 78944, to the new Montgomery Technology Fund;

Authorizing the expenditure of an amount not to exceed \$1,000,302, from Fund No. 100, Dept. No. 310, Org. No. 7002, Acct. No. 48815, for the purpose of providing funds to match donations for the above described programs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Staff: Dianne Parham – (619) 236-5893
Stephanie Rahlfs – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-S410: Two actions related to First Amendment to Consultant Agreement with Delorenzo Incorporated for Professional Services for the Carroll School/Mira Mesa Community Park Expansion Project.

(Mira Mesa Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-522)

Authorizing the City Manager to execute a First Amendment to Agreement with Delorenzo Incorporated for additional professional services in connection with the Carroll School/Mira Mesa Community Park Expansion (the Project), at a cost not to exceed \$710,000, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$710,000 from Fund No. 79006, Facilities Benefit Assessment (FBA), CIP-29-757.0, Carroll School/Mira Mesa Community Park Expansion for the purpose of providing funds for the above referenced Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Subitem-B: (R-2006-526)

Certifying that Mitigated Negative Declaration Project No. 36762, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Mira Mesa Community Park Expansion Project;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S410: (Continued)

Subitem-B: (Continued)

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project No. 36762 Mitigated Negative Declaration, is hereby approved;

Adopting the Mitigation Monitoring and Reporting Program, and any additional alterations to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

The eleven acre Carroll School Park Site is located in the community area of Mira Mesa in Council District 5, between New Salem Street and Westmore Road directly to the north of the existing Mira Mesa Community Park. The Mira Mesa Community Park is located between New Salem Street and Mira Mesa Boulevard. On May 20, 2004, a Purchase Order was issued to Delorenzo Incorporated for interim landscape architectural planning and public outreach services for the referenced project. On September 27, 2004, the City Council authorized the City Manager to execute a consultant agreement with Delorenzo Incorporated to provide professional services required for the preparation of a General Development Plan and obtaining a Site Development Permit for the project. The original Agreement is on file in the Office of the City Clerk as Document No. RR-299685. The Amendment to the Agreement will provide the professional services required for the preparation of the construction documents and construction administration for the improvements of the project, which include restroom/concession/storage building, ballfields, children's play area, open turf passive area, decomposed granite jogging path, aquatic center and skate plaza. Total project cost is estimated to be \$18,500,000. Delorenzo Incorporated was selected in accordance with Council Policy 300-7, Consultant Services Selection.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-410: (Continued)

FISCAL IMPACT:

This Amendment to the Agreement allows for a \$675,000 fixed fee and \$35,000 for additional services. Funds in the amount of \$710,000, are available in Fund No. 79006, Facilities Benefit Assessment, CIP-29-757.0, Carroll School/Mira Mesa Community Park Expansion. The original Agreement allowed for a total of \$280,000 in consultant services. Purchase Order No. 5065318-0 allowed for a total of \$24,999 in preliminary consultant services.

Oppenheim/Medina/AP

Aud. Cert. 2600419.

Staff: April Penera - (619) 525-8223

Eric A. Swenson - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S411: Dwight Yoakam Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-553)

Recognizing the outstanding contributions of Dwight Yoakam to country music, film, and the American artistic and cultural landscape;

Proclaiming December 4, 2005, to be "Dwight Yoakam Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, HEARINGS
SPECIAL HEARINGS:

ITEM-S412: Addition of Unclassified Positions in the Office of the Independent Budget Analyst (IBA) Transfer of Rules Committee Consultant and Funding from Mayor's Budget to Council Administration.

(See Chairperson's Report dated 8/2/2005, and memorandum from Lisa Irvine dated 8/1/2005; Chairperson's Report dated 5/25/2005, with Dewey Square Group report attached, Comparison Chart; and memorandums from Rich Snapper dated 11/16/2005 and 12/1/2005 not available at Committee.)

TODAY'S ACTION IS:

Hold the first public hearing of the ordinance:

(O-2006-72 Cor. Copy)

Amending Ordinance No. O-19396 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2005-2006 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by adding positions in the Office of the Independent Budget Analyst and exempting said positions from the classified service and transferring funds to Council administration to fund these positions.

NOTE: Today's action is the first public hearing. See Item S501 on the docket of Tuesday, December 6, 2005, for the second public hearing and introduction and adoption of the Ordinance.

MAYOR-COUNCIL TRANSITION COMMITTEE'S RECOMMENDATION:

On 8/4/2005, MCT voted 4 to 1 to accept the City Manager's staffing level estimates for the combined IBA/OLA offices and authorize a mid-year funding proposal not to exceed \$600,000 for the FY2006 budget year. This funding will be comprised of the following: \$250,000 allocated during the FY2006 budget process, \$100,000 transfer of the Council Budget Liaison position to the IBA/OLA, and \$250,000 from the Mayor's office. (Councilmembers Peters, Maienschein, Frye, and Madaffer voted yea. Councilmember Young voted nay. Councilmember Atkins not present. District 2-vacant and District 8-vacant.)

On 6/2/2005, MCT voted 5 to 0 to approve adding an additional staff position to the Office of the Presiding Officer for docketing purposes. The budgeted FTE position of the Rules Committee consultant should be moved from the Office of the Mayor to the Office of the Presiding Officer as a budget neutral way to accommodate this additional staffing. (Councilmembers Peters, Zucchet, Atkins, Frye, and Inzunza voted yea. Councilmembers Young, Maienschein, and Madaffer not present.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)
SPECIAL HEARINGS: (Continued)

ITEM-S412: (Continued)

SUPPORTING INFORMATION:

On December 1, 2005, the Civil Service Commission reviewed the duties and responsibilities of the following positions and found that they meet the intent of Charter Section 117. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council."

The position of Independent Budget Analyst (IBA) will serve the Council as a whole, providing fiscal and legislative analysis, make recommendations regarding proposals brought forth by the Mayor and executive departments, assist Councilmembers in drafting legislation, provide high level review and analysis of all budgetary proposals and the City's annual budget process, and oversee the IBA Department.

The Office of IBA will consist of additional unclassified positions which will be either Budget/Legislative Analyst I or Budget/Legislative Analyst II, and will support the IBA in his or her duties to the Council. These duties constitute management policy formulating at a level which warrants designation as unclassified employees directly reporting to the IBA.

FISCAL IMPACT:

Funding for the Office of IBA will come from Citywide Program Expenditures and from the Mayor's Office budget. Five (5.0) positions (which includes the Rules Committee Consultant) and \$250,000 will be transferred from the Mayor to the Council Administration; and 1.0 position and \$350,000 will be transferred from Citywide Program Expenditures to the Council Administration Department for a total of \$600,000.

Peters/Cameron

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-S413: Notice of Pending Final Map Approval – Cabrillo-Point Loma.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Cabrillo-Point Loma” (VTM No. 211022/PTS No. 23708), located southwesterly of Kenyon and Fordham Streets in the Midway Pacific Highway Corridor Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.